



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 68-99

4 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 27 December 1990 at age 30. The record shows two positive urinalyses in 1991 and 1992 for use of cocaine. On 22 October 1992 you received nonjudicial punishment for use of cocaine and four specifications of writing bad checks. Subsequently, you were an unauthorized absentee on two occasions totaling about 16 days. A general court-martial convened on 30 June 1993 and convicted you of four specifications of destruction or wrongful disposition of military property and three specifications of larceny or wrongful appropriation. The court sentenced you to reduction to pay grade E-1, forfeiture of all pay and allowances, confinement at hard labor for two years and a bad conduct discharge. The bad conduct discharge was issued on 25 September 1995.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention that you have a service connected disability and you became addicted to prescribed pain killers while in the Navy. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your overall poor record and especially your conviction by a general court-martial

of serious offenses. The Board concluded that the discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

I am enclosing the Board's letter of 30 May 1996 with its enclosures which was returned to the Board's as being undeliverable.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure